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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,966	05/20/1999	SYED S. ALI	ALI17-3	5858

7590 09/02/2003
FARKAS & MANELLI PLLC
2000 M STREET NW
7TH FLOOR
WASHINGTON, DC 200363307

EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 09/02/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/314,966

Applicant(s)

ALI ET AL.

Examiner

Simon Sing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-7 and 9-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Nabkel US Patent No. 5,963,626.

1.1 Regarding claim 1, Nabkel discloses a voice messaging system [telephone answering device], which is located in a central office [public switch network end office switch] (column 4, lines 55-60). Nabkel's system, using a single mailbox [a mailbox is a

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memory area, assigned to an individual or to a group of people, for storing messages] for multiple users, comprising:

a telephone line interface for accepting telephone calls from callers (column 2, lines 28-32);

a controller for comparing user IDs and PINs (column 2, lines 30-37; column 4, lines 27-33);

a secured message authorization module adapted to allow a party [subscriber] calling said voice messaging system to leave a voice message (column 3, lines 16-26) to separately secure in a single mailbox by assigning a PIN associated with a particular user (column 2, lines 58-65; column 3, lines 53-58); and

the voice message secured with a PIN is accessible only by a user [anyone accessing the voice messaging system is a user of the system] with the assigned PIN (column 6, lines 10-23; column 4, lines 37-47).

1.2 Regarding claim 2, Nabkel's system further comprising:

a playback/recording module adapted to record said voice message (column 3, lines 16-26).

1.3 Regarding claim 3, Nabkel' system according claim 1, further comprising:

an authorized security code table including information relating to an ability of a party calling the voice messaging system to separately secure a voice message (column 2, lines 28-32, 58-65; column 3, lines 53-58).

1.4 Regarding claim 4, Nabkel's system according to claim 3, wherein:

said authorized security code table further includes at least one security code (PIN) allowing at least one user for access to said separately secured voice message (column 2, lines 58-65; column 3, lines 53-58; column 4, lines 37-47).

1.5 Regarding claim 5, Nabkel's system according to claim 3, wherein:

said authorized security code table is adapted to includes call related information (PIN) relating to at least one calling party [subscriber] authorized to secure a voice message (column 2, lines 28-32, 58-65).

1.6 Regarding claim 6, Nabkel's system according claim 1, wherein:

said secured message authorization module is adapted to allow a party [subscriber] calling the voice messaging system to secure a voice message upon entry of a PIN (column 2, lines 28-32, 58-65).

1.7 Regarding claim 7, Nabkel's system according claim 1, wherein:

said secured message authorized module is adapted to allow a party [subscriber] calling the voice messaging system to secure a voice message upon matching call related information (PIN) relating to the party with a pre-stored PIN (column 2, lines 28-32).

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1.8 Regarding claim 9, Nabkel's system according claim 1, further comprising:

a call related information detector/receiver adapted to detect and receive call related information (PIN) regarding a calling party (column 2, lines 28-32; column 6, lines 10-23).

1.9 Regarding claim 10, Nabkel's system according claim 1, wherein:

said controller is adapted to compare call related information received regarding a party calling the voice messaging system, with at least one pre-stored authorized security code to allow said party to separately secure a voice message (column 2, lines 28-32, 58-65; column 3, lines 53-58).

1.10 Regarding claim 11, Nabkel discloses a voice messaging system [telephone answering device], which is located in a central office [public switch network end office switch] (column 4, lines 55-60). Nabkel's method, using a single mailbox [a mailbox is a memory area, assigned to an individual or to a group of people, for storing messages] for multiple users, for securing a voice message, comprising:

prompting a party calling the voice messaging system to leave a voice message and to enter a authorized security code (column 3, lines 16-26; column 2, lines 28-32; column 5, lines 61-65);

comparing an entered authorized security code to at least on pre-stored authorized security code accessible by said voice messaging system (column 2, lines 30-37); and

upon matching said entered authorized security code with at least one pre-stored authorized security code (column 2, lines 28-37);

allowing the party calling the voice messaging system to record a voice message and to secure said voice message with a PIN (column 3, lines 53-58) for access only by a user (anyone accessing the voice messaging system is a user of the system) with the assigned PIN (column 4, lines 37-47).

1.11 Regarding claim 12, Nabkel's method for securing a voice message according to claim 11, where in:

said securing is performed after said message is being recorded (column 3, lines 53-58, figure 3).

1.12 Regarding claims 13 and 14, Nabkel teaches a method for securing a voice message on a voice messaging system according to claim 11, where in:

said securing is performed before and while said message is being recorded (column 2, lines 58-65).

1.13 Regarding claim 15, Nabkel teaches that a party calling the voice messaging system is prompted to enter his PIN (column 2, lines 28-30), Nabkel also teaches interfacing with DTMF via a telephone (column 5, lines 61-65).

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1.14 Regarding claim 16, Nabkel discloses a voice messaging system telephone answering device], which is located in a central office [public switch network end office switch] (column 4, lines 55-60). Nabkel's method, using a single mailbox [a mailbox is a memory area, assigned to an individual or to a group of people, for storing messages] for multiple users, for securing a voice message, comprising:

prompting a user [a party calling the voice messaging system is a user] to enter a PIN [security code] on a voice message-by-voice message basis for voice messages secured by another party (column 4, lines 37-47, 50-52; figure 5, steps 162-170);

comparing an entered PIN to at least one pre-stored PIN associated with said voice message (column 4, lines 37-47); and

upon matching said entered PIN with said at least one pre-stored PIN, allowing the user for accessing a secured voice message (column 4, lines 37-47; column 6, lines 10-23).

1.15 Regarding claim 17, Nabkel teaches entering a PIN [security code] for each of said voice messages (column 4, lines 50-52; figure 5, steps 162-170).

1.16 Regarding claim 18, Nabkel discloses a voice messaging system [telephone answering device], which is located in a central office [public switch network end office switch] (column 4, lines 55-60). Nabkel's system, using a single mailbox [a mailbox is a memory area, assigned to an individual or to a group of people, for storing messages] for multiple users, for securing a voice message, comprising:

means for prompting a party calling the voice messaging system to enter an authorized PIN [security code] (column 2, lines 28-30);

means for comparing an entered authorized PIN to at least one pre-stored authorized PIN associated with said voice message (column 2, lines 30-37); and

means for securing in a single mailbox of the voice messaging system a recorded voice message, secured with a PIN (column 3, lines 53-58), for access only by a user (anyone accessing the voice messaging system is a user of the system) with the assigned PIN (column 4, lines 37-47) to play back said voice message, upon matching said entered authorized PIN with at least one pre-stored authorized PIN (column 3, lines 53-58; column 4, lines 37-47).

1.17 Regarding claim 19, Nabkel's system according to claim 18, wherein:

said means for securing secures said voice message after it is being recorded (column 3, lines 53-58, figure 3).

1.18 Regarding claim s 20 and 21, Nabkel's system according to claim 18, wherein:

said means for securing secures said voice message before and while it is being recorded (column 3, lines 53-58, figure 3).

1.19 Regarding claim 22, Nabkel's system includes means for entering said security code from a calling party's [subscriber] telephone (column 2, lines 28-30; column 5, lines 61-65).

1.20 Regarding claim 23, Nabkel discloses a voice messaging system [telephone answering device], which is located in a central office [public switch network end office switch] (column 4, lines 55-60). Nabkel's system, using a single mailbox [a mailbox is a memory area, assigned to an individual or to a group of people, for storing messages] for multiple users, for securing a voice message, comprising:

means for prompting a user [a party calling the voice messaging system is a user] to enter a PIN [security code] on a voice message-by-voice message basis for voice messages secured by another party (column 4, lines 37-47, 50-52; figure 5, steps 162-170);

means for comparing an entered PIN to at least one pre-stored PIN associated with said voice message (column 4, lines 37-47); and

means for allowing said user access to an underlying voice message secured in a single mailbox of the voice messaging system, upon matching said entered PIN with at least one pre-stored PIN (column 4, lines 37-47);

1.21 Regarding claim 24, the Nabkel system according to claim 23, further comprising:

means for entering a PIN [security code] for each secured voice message (column 4, lines 50-52; figure 5, steps 162-170).

2. Claims 1 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Carleton et al. US Patent No. 5,966,351.

2.1 Regarding claim 1, Carleton discloses a voice messaging system [telephone answering device] in figure1, comprising:

a telephone line interface 101;

a controller 106; a voice message memory 105; and

a secure message authorization module [controller] adapt to allow a calling party to leave a voice message to separately secure [each voice mail is separately stored] in a single mailbox 102, said voice message for access only by a user [mailbox owner or sender] authorized to playback said voice message (column 2, lines 60-67; column 1, lines 14-24).

2.2 Regarding claim 8, Carleton teaches that each voice message has a header containing various information including the status of the message and special handling code [secure status], which allows a sender to gain access to voice messages left by the sender (column 4, lines 40-56). Carleton further teaches that the special handling code carries a "tag" [secure status] marking a voice message as "private" (column 1, lines 36-43).

Response to Arguments

3. Applicants' arguments filed 05/14/2003 regarding claims 1-7 and 9-24 have been fully considered but they are not persuasive.

The applicants argue that a subscriber leaving a communiqué is not the one who is calling the telephone answering device and leaving a voice message (claims 1 and 11), and the subscriber leaving a communiqué is not comparing an authorized security code to a pre-stored security code associated with voice messages by a calling party while leaving a message (claims 16, 18 and 23).

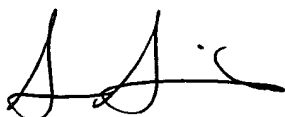
However, Nabkel's system, which can be implemented on or adjunct to a communication station, such as a public switch network end office switch [central office] (column 4, lines 55-60), and Nabel's voice messaging system is a telephone answering device since it answers telephone calls, records and plays back voice messages. In Nabkel's system, everyone is a calling party and a user [who uses the voice messaging system]. A subscriber calling the voice message system to leave a communiqué (voice message, column 3, lines 16-26) is a calling party, since the subscriber has to call the voice messaging system (located in a central office). A party calling the voice message system to retrieve a communiqué is a user.

As states above, a subscriber IS a calling party who calls the voice message system, enter an authorized code to log in, and to leave a voice message [communiqué] with a security code [PIN], and a user [who calls the voice messaging system to retrieve a message] enters an authorized code [PIN] associated with a voice message left by a calling party [subscriber] to retrieve said voice message.

4. Applicant's arguments with respect to claim 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



S.S.

08/25/2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000

